

Members

Rep. James Bottorff, Chairperson
Rep. Denny Oxley
Rep. Markt Lytle
Rep. William Friend
Rep. Jack Lutz
Rep. Michael Smith
Sen. Potch Wheeler, Vice-Chairperson
Sen. Johnny Nugent
Sen. John Waterman
Sen. James Lewis
Sen. Richard Young
Sen. Larry Lutz



WATER RESOURCES STUDY COMMITTEE

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MEETING MINUTES¹

Meeting Date: September 25, 2002
Meeting Time: 10:00 A.M.
Meeting Place: State House, 200 W. Washington St., Room 233
Meeting City: Indianapolis, Indiana
Meeting Number: 1

Members Present: Rep. James Bottorff, Chairperson; Rep. William Friend; Rep. Jack Lutz; Rep. Michael Smith; Sen. Potch Wheeler, Vice-Chairperson; Sen. John Waterman; Sen. James Lewis; Sen. Larry Lutz.

Members Absent: Rep. Denny Oxley; Rep. Markt Lytle; Sen. Johnny Nugent; Sen. Richard Young.

The chairperson called the meeting to order at 10:12 A.M. and, after the members had introduced themselves, explained the charges to the Committee (Exhibit A). He then called upon Jim Hebenstreit, Division of Water, Department of Natural Resources (DNR), to explain how Indiana responds to low water flow situations.

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

1. Low Water Flow Issues:

Mr. Hebenstreit explained that under current law, response to a drought emergency would fall under the jurisdiction of the State Emergency Management Agency (SEMA). SEMA has assembled a drought advisory committee made up of state agency representatives to assist in creating an emergency plan, should one be needed. If a drought emergency occurs, the governor can declare a state of emergency and make water allocation decisions with SEMA's advice. In addition, the drought manual developed in 1994 provides guidelines for allocation.

In response to a question from the Committee, Dan Mathis, DNR, explained that the status of the water wells dug by the U.S. Army at Charlestown has been a subject of discussion between the state and federal authorities.

Bill Beranek, Indiana Environmental Institute, explained that various environmental, business, and industrial groups have come together to support the establishment of a water shortage task force (Exhibit B) based on the 1994 task force. This would provide a longer term deliberative process to plan for predictable water shortage situations, formalizing the process for allocating water resources in droughts.

Vince Griffin, Indiana Chamber of Commerce, explained that some businesses come to Indiana because of the generally plentiful water supply. Mr. Griffin distributed copies of the Chamber's position on drought planning and a chart showing departure from the mean precipitation levels over time (Exhibit C). Mr. Griffin pointed out that the time to develop a drought plan is when the state is not in a drought, allowing the development of a priority of use schedule for water shortages.

Glenn Pratt, Sierra Club, stressed that there is a consensus among groups that the time is right to develop a water usage plan before the next emergency situation arises. He feels it is important to have a plan in place, as droughts can occur suddenly.

2. Clean Water Indiana Issues

Harry Nikides, Division of Soil Conservation, DNR, explained that the Clean Water Indiana fund has received Build Indiana funds for its programs. In its first year, the fund received \$1 million, of which \$880,000 was distributed to soil and water conservation districts (SWCDs) to match local funds for projects that protect and improve water quality in both rural and urban areas. The remaining \$120,000 was put into the conservation reserve program, where it will be matched at a 4 to 1 ratio by federal dollars. This money will be used to develop buffer strips along rivers to control erosion and runoff. Because of state budget constraints, no money was received for the second year of the budget cycle, and no permanent funding source is in place for the program. Mr. Nikides explained the process by which SWCDs applied for funding for projects that include filter strips, fencing, and erosion control techniques. By volume, sediment is the largest polluter of Indiana waterways; thus, erosion control is a focus for many SWCDs.

Mr. Pratt reviewed the federal and state regulatory background for clean water. In the past, agricultural runoff was a lower priority because of other more urgent concerns, such as urban sewage. As these situations are improved, erosion control and agricultural runoff have become a focus, with cooperative programs needed to help farmers improve conditions so that federal money can be accessed, as well as to avoid possible sanctions.

Lynn Dennis, Nature Conservancy, explained that her organization has been working to develop permanent funding strategies for Clean Water Indiana. The Nature Conservancy

has pledged \$2 million towards the Tippecanoe watershed conservation reserve project, which will be matched at a 4 to 1 ratio by the federal government. This money can be used for specific projects and to provide technical assistance to farmers. The Conservancy favors farmland protection programs. As a funding source for Clean Water Indiana programs, the Conservancy has suggested increasing tipping fees.

Tanya Galbraith, Indiana Association of Cities and Towns, stated that the members of her organization do not favor an increase in tipping fees. They are exploring other options, such as better leveraging of federal dollars for programs.

Bob Edelman, Marion County SWCD, provided an historical perspective. He stated that since 1987, soil erosion levels have decreased, and so water quality levels have improved. He encourages steady funding for Clean Water Indiana, and believes an increase in tipping fees may be part of the solution.

Sen. Wheeler urged the Committee to take Clean Water Indiana seriously and find a means to fully fund it, as water is one of Indiana's most important resources. In his professional life as a well driller, he has found that wells must be dug deeper now to hit the water table, which is a sign of a decrease in resources.

Mrs. Barnes, of Madison County, stated that if a farmer has to give up the use of land to provide erosion control, the farmer is giving up income and should be compensated, and that she would rather live next to a regulated pig farm than an unregulated trailer court.

3. Building in Floodways

Mike Neyer, DNR, explained that new home construction is prohibited in floodways (except along certain portions of the Ohio River), and that a permit from DNR is necessary to rebuild a home that has sustained damage of more than fifty percent of its value from a nonflood cause. In addition, repairs and construction must meet federal standards. After the Ohio River floods in the mid 90s, local authorities were given the power to issue permits for reconstruction to facilitate the rebuilding process; however, on January 1, 2001, permitting authority was returned to DNR. Because federal regulations do not define manufactured (mobile) home, modular units can be brought into a floodway as new construction, if the lowest floor level meets the federal requirements.

The meeting was adjourned at 12:05 P.M. The final meeting of the Committee, at which possible legislation will be discussed, will be held on 23 October 2002 at 10:00 A.M. in Room 130 of the State House.